

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

Docket No. 2014-13-A

In re:	Application of Chem-Nuclear Systems,	)	
	LLC, an EnergySolutions company, for	)	
	Adjustment in the Levels of Allowable	)	
	Costs and for Identification of Allowable	)	<b>SECOND AMENDED</b>
	Costs	)	<b>APPLICATION</b>
	_____	)	(for Fiscal Year 2014-2015)

Pursuant to the provisions of S.C. Code Ann. § 48-46-40(B)(4) (Rev. 2008 & Supp. 2013), Chem-Nuclear Systems, LLC, an EnergySolutions company, (“Chem-Nuclear” or the “Company”) submits this Second Amended Application for adjustment in the levels of certain “allowable costs” and for the identification of certain “allowable costs” for the operation of its regional low-level radioactive waste disposal facility located in the vicinity of Barnwell, South Carolina. In support of the relief which it requests in this Second Amended Application, Chem-Nuclear would respectfully show unto this honorable Commission:

1. On June 6, 2000, the Governor of the State of South Carolina signed the Atlantic Interstate Low-Level Radioactive Waste Compact Implementation Act (the “Act”). The Act is codified as S.C. Code Ann. §§ 48-46-10, *et seq.* (Rev. 2008), as amended.

2. Section 48-46-40(B)(1) of the Act authorizes and directs the Commission “to identify allowable costs for operating a regional low-level radioactive waste disposal facility in South Carolina.” Section 48-46-30(1) defines “allowable costs” as “costs to a disposal site operator of operating a regional disposal facility.” Under that definition, such costs “are limited to costs determined by standard accounting practices and regulatory findings to be associated with facility operations.”

3. Section 48-46-40(B)(3) of the Act provides that “allowable costs” expressly include the costs of certain specifically identified activities necessary in the operation of a low-level radioactive waste disposal facility. That Section also provides that “allowable costs” include “any other costs directly associated with disposal operations determined by [the Commission] to be allowable.”

4. Chem-Nuclear operates a regional low-level radioactive waste disposal facility in Barnwell County, South Carolina (the “Facility”). Consequently, the Commission has the authority to identify the “allowable costs” for the Company’s operation of the Facility.

5. The Facility is located on a tract of land consisting of approximately 235 acres which the State of South Carolina owns and which the Company leases from the South Carolina Budget and Control Board (the “Board”). The 235-acre site includes areas for various operations, including completed disposal trenches, potential trench areas, ancillary facilities, water management areas and buffer zone areas.

6. The Company conducts its operations at the Facility under South Carolina Radioactive Material License 097 (“License 097”) by which the South Carolina Department of Health and Environmental Control (“DHEC”) has authorized receipt, storage and disposal of low-level radioactive waste at the Facility. License 097 contains numerous technical conditions and specifications for management of waste at the Facility. In addition to the requirements of License 097, the Facility is subject to DHEC’s regulations in 24A S.C. Code Reg. 61-63 (Rev. 2008). DHEC’s regulations are compatible with the provisions of “Licensing Requirements for Land Disposal of Radioactive Wastes,” which the United States Nuclear Regulatory Commission (“NRC”) originally promulgated in 10 C.F.R. Part 61, and DHEC has adopted most of those provisions and enforces them through its own regulations under an agreement with the NRC.

7. On June 3, 2014, the Commission issued its Order No. 2014-451 in Docket No. 2013-13-A. In that Order, the Commission identified certain categories of “allowable costs” and identified levels of “allowable costs” within those categories. Order No. 2014-451 approved certain rates for variable allowable costs and identified the sum of \$3,319,732 for total fixed allowable costs for the 12 months ending June 30, 2014. The Order also approved irregular costs of \$233,250 as allowable costs.

8. S.C. Code Ann. § 48-46-40(B)(4) (Rev. 2008) provides that an operator of a low-level radioactive waste disposal site may apply for adjustments in the levels of “allowable costs” that the Commission has identified for the previous fiscal year and for identification of costs that the Commission has not previously identified as “allowable costs.” Upon approval of such application, Section 48-46-40(B)(4) requires the Commission to authorize the site operator to adjust its “allowable costs” for the current fiscal year to compensate the site operator for revenues lost during the previous fiscal year.

9. On September 26, 2014, the Company filed an Application (the “Original Application”) seeking certain relief in the nature of the Commission’s recognition of levels of “allowable costs” for the Company’s fixed costs for Fiscal Year 2013-2014, the identification of the levels of irregular costs for Fiscal Year 2013-2014, the identification of levels of vault costs for Fiscal Year 2013-2014, and the identification as “allowable costs” and approval of total fixed and irregular costs and of variable cost rates for Fiscal Year 2014-2015. On March 5, 2015, the Company filed an Amended Application proposing certain revisions in the figures contained in the Original Application and its exhibits to reflect the Company’s reconciliation of certain issues with the Office of Regulatory Staff. By this Second Amended Application, the Company proposes certain revisions in the figures contained in the Amended Application and its exhibits to reflect the Company’s reconciliation of certain issues with the Office of Regulatory Staff regarding the identification as “allowable costs” and approval of total fixed and irregular costs,

and variable cost rates for Fiscal Year 2014-2015 which were not changed in the Amended Application. The Company testimony in this proceeding will explain further the basis for the revisions.

10. For the purposes of this Second Amended Application and its Exhibits, the Company has used the cost categories that the Commission approved in Order No. 2014-451, which were based on the recommendations of the parties to the Collaborative Review of the Company's Operations and Efficiency Plan ("OEP").

11. During the Company's recently concluded Fiscal Year 2013-2014 (*i.e.*, the twelve months ending June 30, 2014), the Company's actual "allowable costs" in those categories that the Commission identified in Order No. 2014-451 for fixed costs were \$3,387,465.87. By this Second Amended Application, the Company requests the Commission to approve the levels of actual fixed allowable costs for Fiscal Year 2013-2014 to permit the Company to be compensated for those allowable fixed cost components identified in Order No. 2014-451, as authorized by Section 48-46-40(B)(4). Consequently, the Company proposes an adjustment of \$67,733.87 for allowable fixed costs in this Second Amended Application, which represents no change from the Amended Application.

11. With respect to those allowable costs which Order No. 2014-451 characterized as irregular costs, the Company incurred total irregular costs for Fiscal Year 2013-2014 of \$225,550, which is \$7,700.00 less than the costs identified in Order No. 2014-451 of \$233,250. Therefore, the Company requests no adjustment for irregular costs in this Second Amended Application, as it also requested no adjustment for irregular costs in the Amended Application.

12. With respect to the allowable costs that Order No. 2014-451 characterized as variable labor and non-labor costs, which are dependent upon volumes of waste buried, the Company incurred actual costs in the category of variable labor and non-labor costs in Fiscal

Year 2013-2014 of \$232,142.14, which is \$67,662.75 more than the costs identified in Order No. 2014-451, using the variable cost rates identified by the Commission in that Order for categories of waste and using the volumes of waste buried in Fiscal Year 2013-2014. Therefore, the Company requests an adjustment of \$67,662.75 for variable labor and non-labor costs in this Second Amended Application, as requested in the Amended Application.

13. With respect to vault costs, Order No. 2014-451 established certain variable cost rates for each type of waste disposed at the Facility. By applying those rates to the volumes of each type of waste received in Fiscal Year 2013-2014, the Company calculated a total cost for routine disposal vaults of \$352,518.26. Based on the Company's actual experience in Fiscal Year 2013-2014, the Company incurred a cost of \$156,248.56 for routine disposal vaults. Therefore, the Company proposes no adjustment for this category of costs in this Second Amended Application, as it also requested no adjustment for irregular costs in the Amended Application.

14. The Company has attached to this Second Amended Application three (3) exhibits pertaining to the adjustments and identification of the categories of "allowable costs" for its disposal operations.

15. Amended **Exhibit A** to this Second Amended Application describes in detail the Company's proposed adjustments for the recovery of its actually incurred costs for fixed, variable and irregular costs to reflect the differences between the level of "allowable costs" identified in Order No. 2014-451 and the level of the Company's actually incurred costs in Fiscal Year 2013-2014. Amended Exhibit A also provides the rates for variable costs which were contained in Order No. 2014-451. Amended Exhibit A is the same as was submitted with the Amended Application.

16. Amended **Exhibit B** (same as submitted with Amended Application) describes the actual irregular costs which the Company incurred in Fiscal Year 2013-2014, organized by project number.

17. Amended **Exhibit C** depicts the total fixed costs, irregular costs and variable cost rates that the Company proposes for identification and approval for Fiscal Year 2014-2015. This Amended Exhibit C has changed from the exhibit submitted with the Amended Application.

18. For Fiscal Year 2014-2015, the Company requests identification as “allowable costs” a total of \$3,704,167 as allowable fixed costs, as depicted in Amended Exhibit C. Amended Exhibit C also identifies variable material cost rates and variable waste dependent labor rates for Fiscal Year 2014-2015. Irregular costs for Fiscal Year 2014-2015 anticipated at the time of this Second Amended Application are \$520,369, as specified in Amended Exhibit C. The irregular costs will be discussed in detail in pre-filed testimony. The costs and amounts in Amended Exhibit A and Amended Exhibit C are consistent with the description of “allowable costs” in Section 48-46-40(B)(3), and they have been determined by standard accounting practices and are consistent with the recommendations of the Collaborative Review of the OEP as the Commission approved in Order No. 2004-349 in Docket No. 2000-366-A.

WHEREFORE, Chem-Nuclear Systems, LLC, an *EnergySolutions* company, respectfully prays unto this honorable Commission:

1. To review the Company’s Second Amended Application and issue its Order, under S.C. Code Ann. § 48-46-40(B)(4) (Rev. 2008), recognizing the levels of “allowable costs” as depicted in Amended Exhibit A for Fiscal Year 2013-2014, and identifying the levels of irregular costs in Amended Exhibit B for Fiscal Year 2013-2014, and identifying as “allowable costs” those costs depicted in Amended Exhibit C for Fiscal Year 2014-2015.

2. For such other and further relief as is just and proper.

Respectfully submitted,

s/ J. David Black

J. David Black

Sara S. Rogers

NEXSEN PRUET, LLC

1230 Main Street, Suite 700

Post Office Drawer 2426

Columbia, South Carolina 29202

(803) 771-8900

(803) 253-8277

[DBlack@nexsenpruet.com](mailto:DBlack@nexsenpruet.com)

[SRogers@nexsenpruet.com](mailto:SRogers@nexsenpruet.com)

Attorneys for Chem-Nuclear Systems, LLC

March 19, 2015

Columbia, South Carolina

**AMENDED EXHIBIT A:  
FISCAL YEAR 2013-2014 COSTS**

**Fixed Costs: \$67,733.87 Adjustment Proposed**

Fixed costs, subject to a 29% operating margin, were incurred in fiscal year 2013-2014 in the general categories of labor-related costs, non-labor costs, costs allocated from corporate functions, equipment leases and support, depreciation and insurance. Fixed costs, **not** subject to a 29% operating margin, were incurred in fiscal year 2013-2014 in the category of legal support. The following table compares the actual costs incurred to the costs identified as allowable in Commission Order No. 2014-451:

	<b>Commission Order No. 2014-451</b>	<b>Actual Costs Incurred in FY 2013-2014</b>	<b>Adjustment Proposed</b>
Labor, Fringe and Non-labor	\$2,075,258	\$2,090,975.46	
Corporate Allocation (G&A)	\$590,777	\$623,872.77	
Equipment leases and support	\$191,200	\$189,789.79	
Depreciation	\$76,972	\$73,869.81	
Insurance	\$352,509	\$375,141.38	
<b>Subtotal (Fixed Cost subject to 29% margin)</b>	\$3,286,716	\$3,353,649.21	
Legal Support	\$33,016	\$33,816.66	
<b>Subtotal (Fixed Cost not subject to 29% margin)</b>	\$33,016	\$33,816.66	
<b>Total Fixed Costs</b>	<b>\$3,319,732</b>	<b>\$3,387,465.87</b>	<b>\$67,733.87</b>

The actual Fixed Costs incurred during fiscal year 2013-2014 were **\$3,387,465.87**. This amount is \$67,733.87 more than the amount identified in Order Number 2014-451. Therefore, an adjustment of \$67,733.87 is requested in this category of costs.



## Variable Costs: Variable Labor and Non-Labor Costs

### \$67,662.75 Adjustment Proposed

Commission Order No. 2014-451 identified the following categories of rates for projecting Variable Labor and Non-Labor costs: vault purchase and inspection (per vault), ABC waste disposal (per shipment), slit trench operations (per slit trench offload), customer assistance (per shipment), and trench records (per container).

The following table illustrates the Variable Labor and Non-Labor costs that would be calculated using the Variable Labor and Non-Labor rates identified in Order No. 2014-451 and the FY 2013-2014 actual number of units in each category.

	Units	Variable Cost Rate in Commission Order No. 2014-451	Calculated Cost
Vault Purchase & Inspection (per vault)	49	\$156.21	\$7,654.29
ABC Waste Disposal (per shipment) (total shipments, less slit trench shipments, less irregular project shipments)	44	\$1,190.82	\$52,396.08
Slit Trench Operations (per slit trench offload)	2	\$40,000.00	\$80,000.00
Customer Assistance (per shipment)	46	\$93.94	\$4,321.24
Trench records (per container)	77	\$261.14	\$20,107.78
<b>Total Calculated Variable Labor and Non-labor Cost</b>			<b>\$164,479.39</b>

The actual Variable Labor and Non-Labor costs experienced in the disposal of waste in fiscal year 2013-2014 resulted in a Total Variable Labor and Non-Labor Cost of **\$232,142.14**. This amount is **\$67,662.75** more than the amount that would have been anticipated based on rates provided in Commission Order 2041-451. Therefore, Chem-Nuclear requests an adjustment of **\$67,662.75** in this category of costs.

## Vault Costs

### No Adjustment Proposed

The following table illustrates the vault costs that would be calculated using the Variable Cost rates identified in Commission Order No. 2014-451 and the actual FY 2013-2014 volumes of waste received in each respective category.

	<b>Volume Received (cubic feet)</b>	<b>Variable Cost Rate in Commission Order No. 2014-451</b>	<b>Calculated Cost</b>
Class A waste	7,193.139	\$37.34	\$268,591.81
Class B waste	557.2	\$48.47	\$27,007.48
Class C waste	628.36	\$52.15	\$32,768.97
Slit Trench waste	115	\$210.00	\$24,150.00
Irregular Components (in vaults as an irregular cost)		N/A	
Irregular Components (not in vaults)		N/A	
<b>Total Calculated Vault Cost</b>			<b>\$352,518.26</b>
<b>Total Volume (cubic feet)</b>	<b>8,493.70</b>		

The total cost incurred for routine disposal vaults used during fiscal year 2013-2014 was **\$156,248.56**. This amount is \$196,269.71 less than the amount that would have been anticipated based on rates provided in Commission Order 2014-451. Therefore, Chem-Nuclear requests no adjustment in this category of cost.

## Irregular Costs

### No Adjustment Proposed

The following table summarizes the Irregular Costs incurred in fiscal year 2013-2014 organized by projects. Amended Exhibit B provides additional descriptions of each of these irregular projects.

Irregular Cost Item	Order No. 2014-451	Actual FY 13-14 Labor	Actual FY 13-14 Non-Labor	Total Cost FY 13-14
Trenches (design, construct, and backfill): Trench 99.	\$ 96,250	\$ 14,322	\$ 35,475	\$ 49,797
License Renewal and Appeal costs	\$ 10,000	\$ -	\$ -	\$ -
Decontamination and Corrective Actions	\$ 5,000	\$ 1,289	\$ 31	\$ 1,320
Trench records Software	\$ -	\$ 669	\$ 3,816	\$ 4,485
Site Eng & Drawing Updates	\$ 97,000	\$ 224	\$ 311	\$ 535
Site Maintenance	\$ -	\$ 28,351	\$ 75,867	\$ 104,218
Site Assessments	\$ 5,000	\$ -	\$ -	\$ -
Severance	\$ -	\$ 65,197	\$ -	\$ 65,197
Other Irregular	\$ -	\$ (2)	\$ -	\$ (2)
Miscellaneous	\$ 20,000	\$ -	\$ -	\$ -
<b>Total Irregular Costs</b>	<b>\$ 233,250</b>	<b>\$ 110,051</b>	<b>\$ 115,499</b>	<b>\$ 225,550</b>

The total Irregular Costs incurred in fiscal year 2013-2014 were **\$225,550** compared to the amount identified in Commission Order No. 2014-451 of **\$233,250**. Chem-Nuclear therefore requests no adjustment in Irregular Costs.

**AMENDED EXHIBIT B:**  
**FISCAL YEAR 2013-2014 IRREGULAR COSTS**  
**ORGANIZED BY PROJECT**

<b>PROJECT NUMBERS</b>	<b>PROJECT NAME AND EXPLANATIONS</b>
<b>188701.8028</b> <b>188701.8029</b> <b>188702.8030</b>	<b>Trench Construction and Backfill Operations</b> <b>(Labor \$14,321.97 and Non-Labor \$35,475.15)</b>  Trench construction activities in fiscal year 2013-2014 included design, construction and backfill (including use of free flowing sand where applicable) in Trench 99 and construction of Slit Trench 37.
<b>188000.8003</b>	<b>Decontamination and Corrective Actions</b> <b>(Labor \$1,289.41 and Non-labor \$31.00)</b>  Includes cost related to decontamination efforts and corrective actions required as a result of waste received for disposal.
<b>188000.8013</b>	<b>Trench records Software</b> <b>(Labor \$669.07 and Non-labor \$3,815.61)</b>  Cost provides the maintenance and support for trench records database and reporting software.
<b>188004.8001</b>	<b>Site Eng &amp; Draw Updates</b> <b>(Labor \$224.19 and Non-Labor \$310.70)</b>  Cost related to updates needed for site drawings.
<b>188004.8002</b>	<b>Site Maintenance</b> <b>(Labor \$28,351.25 and Non-Labor \$75,867.02)</b>  Site Maintenance costs include new admin building carpeting, slit trench equipment storage building, parking lot improvements and air conditioning unit repairs.
<b>952186.0001*</b>	<b>Site Admin*</b> <b>(Labor \$65,196.80)</b>  *Severance was coded to the incorrect project number/name in Fixed Costs (Site Admin). However, Severance should have been coded to the Severance project number in Irregular Costs, as has been the practice in past applications.
<b>952182.8002</b>	<b>Other Irregular</b> <b>(Labor \$-1.61)</b>  Fringe rate true-up

**AMENDED EXHIBIT C:**  
**PROPOSED FISCAL YEAR 2014-2015 COSTS**

We propose the following amounts be identified as allowable costs for fiscal year 2014-2015:

<b>FIXED COSTS</b>	
<b>Fixed Costs to which 29% operating margin is added</b>	
Labor, Fringe and Non-Labor	\$2,147,489
Corporate Allocations (Management Fees/G&A)	\$629,865
Depreciation	\$112,578
Insurance	\$366,252
Equipment Leases and Support	\$297,983
<b>Fixed Costs to which 29% operating margin is not added</b>	
Legal Support	\$150,000
<b>Total Fixed Costs</b>	<b>\$3,704,167</b>
<b>IRREGULAR COSTS</b>	
Trench Construction	\$150,000
License Appeal	\$300,000
Decomm & Corrective Action	\$2,000
Trench Software	\$5,000
Site Eng & Drawing Updates	\$1,000
Site Maintenance	\$50,000
Severance	\$12,369
<b>Total Irregular Costs</b>	<b>\$520,369</b>
<b>VARIABLE COSTS</b>	
<b>Variable Labor and Non-Labor Rates</b>	
Vault Purchase and Inspection (per vault)	\$347.79
ABC Waste Disposal (per shipment)	\$2,420.16
Slit Trench Operations (per slit trench offload)	\$38,464.87
Customer Assistance (per shipment)	\$121.77
Trench Records (per container)	\$366.31
<b>Variable Material Cost Rates (Vaults)</b>	
Class A Waste (per cubic foot)	\$35.20
Class B Waste (per cubic foot)	\$48.16
Class C Waste (per cubic foot)	\$57.56
Slit Trench Waste (per cubic foot)	\$153.18